

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

SAYAT SEPETCI,

Plaintiff,

-against

JOSEPH PHILBIN, JOHN FALLACE,
CHRISTOPHER DIGREGORIO,
MICHAEL VALENTE, RAYMOND
BUTTACAVOLI, GARY BUTT, and
RICHARD MULLER, all in their
Professional and Individual Capacities,

Defendants.

JOINT PRETRIAL ORDER

Case No. 20-CV-02626 (GRB)(ARL)

The parties' counsel having conferred, they adopt the following statements, directions and agreement as the Joint Pre-Trial Order herein:

1. This Court has subject matter jurisdiction pursuant to 28 United States Code ("USC") §1331, as the claims in issue allege that the defendants used excessive force in violation of 42 USC 1983.
2. The claims that remain to be tried are federal causes of action for excessive force and failure to intervene against all named defendants, where the defenses are that the force used against plaintiff were reasonable under the circumstances, that there was therefore no wrongdoing in which to intervene, and that the defendants' conduct was protected by qualified immunity.
3. This case is to be tried with a jury and is expected to require four days.
4. There is no statement of facts agreed to by all of the parties.
5. Plaintiff witnesses:
Sayat Sepetci: fact witness
All named defendants: fact witnesses (hostile)

Defense witnesses

1. Plaintiff Sayat Sepetci
2. PO John Fallace
3. PO Joseph Philbin
4. PO Christopher DiGregorio

5. PO Richard Muller
 6. PO Ryan Hayden
 7. PO Donald Johnson
 8. PO Raymon Buttacavoli
 9. PO Gary Butt
6. The Parties do not intend to introduce deposition testimony into evidence other than as necessary to refresh a witness's recollection or for impeachment purposes.

7. Plaintiff's Exhibits

1. Videos from outside the 7-11
2. Photographs of Plaintiff's face
3. Plaintiff's medical records from Mercy Medical Center
4. Plaintiff's prescription for Adderall.
5. The certificate of disposition of Plaintiff's criminal case.
6. Defendants' "Use of Force" forms.
7. The charging documents lodged against Plaintiff in criminal court.
8. Fallace medical records
9. Fallace's Injury/Accident Report
10. Philbin medical records
11. Philbin's Injury/Accident Report
12. Philbin sick leave records
13. Photographs of Philbin injuries

Defendant's Exhibits

EXHIBIT	DESCRIPTION
A	PDCN Case Report 218CR0048053
B	PDCN Arrest Report 218AR0014136
C	PDCN Crime Report 218CR0048053
D	PDCN Form 206 PO John Fallace Injury/Accident report
E	PDCN Form 206A John Fallace Incident/Accident Statement
F	PDCN Form 427 John Fallace Reporting Requirement Letter for Injury/Illness
G	PDCN Form 428 John Fallace Supervisor's Report of Member's Action
H	New York State Form C-2F Employer's First Report of Work-Related Injury/Illness

I	NUMC John Fallace medical records
J	PDCN Form 206 PO Joseph Philbin Injury/Accident report
K	PDCN Form 206A Joseph Philbin Incident/Accident Statement
L	Photographs of Joseph Philbin injuries to hands
M	NUMC ED Patient Discharge Instructions
N	PDCN Form 258 John Fallace Use of Force Report
O	PDCN Form 258 Joseph Philbin Use of Force Report
P	PDCN Form 258 Christopher DiGregorio Use of Force Report
Q	PDCN Form 258 Richard Muller Use of Force Report
R	PDCN Form 258 Ryan Hayden Use of Force Report
S	PDCN Form 258 Donald Johnson Use of Force Report
T	PDCN Form 258 Raymon Buttacavoli Use of Force Report
U	PDCN Form 258 Gary Butt Use of Force Report

8. It is not the case that all parties consent to trial by the Magistrate Judge.

Jointly Submitted:

Dated: Garden City, New York
May 5, 2022

/s/ Alexander Klein
Alexander Klein, Esq.
Barket Epstein Kearon Aldea
& LoTurco, LLP
666 Old Country Road, Suite 700
Garden City, New York 11530
Tel: (516) 745-1500
Fax: (516) 745-1245
Email: aklein@barketepstein.com

Dated: Mineola, New York
May 5, 2022


Ralph Reissman, Esq.
Deputy County Attorney
Nassau County Attorney's Office
One West Street
Mineola, New York 11501
Tel: (516) 571-3046
Fax: (516) 571-3058
E-mail: rreissman@nassaucountyny.gov

Dated: _____, 2022

SO ORDERED:

Arlene R. Lindsay
United States Magistrate Judge